

Criminal Justice Collaborating Council – Alcohol Workgroup
Thursday, December 18, 2008

Judge Davis called the meeting to order at 12:04 p.m.

Committee Members Present: Chair Judge Mac Davis, Peter Schuler, Tim Westphal, Rebecca Luczaj, Susan Andrews, Bonnie Morris, Lindsay Desormier, John Wirkus, Lisa McLean, Mike DeMares, Diane Kelsner, Claudia Roska.

Also Present: Dick Manke, Joanne Eiring.

Introductions

Review of Workgroup Purpose & Mission

Davis said alcohol and substance abuse is a major problem in Waukesha County and the courts system. There is a wide variety of methods and techniques that can be used to help address the problem of alcohol related crimes and help offenders straighten out. The purpose of this workgroup was to bring together people in the AODA and criminal justice fieldst o brainstorm, discuss and evaluate solutions and make recommendations the court and county systems can implement.

Alcohol-Related Cases in Waukesha County – Current Review of Statistics

Davis said recent statistics showed that 70% of offenders at Huber were there for alcohol-related cases. It costs a lot of money to monitor these people. The county would realize a significant financial savings if the number of these cases was reduced by only 10%.

Luczaj distributed a handout titled *Waukesha County Alcohol-Related Cases 2005-2008*. Davis said the statistics are for cases charged. Most have mandatory jail sentences.

Wirkus said the chart shows a significant decrease in the number of cases from 2005 to 2008. Davis said the decrease could be explained by the expansion of municipal courts over the years. It could also be related to the change in BAC to 0.08.

Roska said Waukesha County has a 98% conviction rate. Davis said convictions are easy with the scientific evidence to back it up.

Review/Discussion of Judge Davis' Position Paper on OWI Offenders in Waukesha County

Judge Davis' position paper on OUI offenders talks about the idea of establishing a number of smaller and geographically dispersed work-release detention facilities for OUI prisoners run by private vendors.

Roska said she loves the idea. It was done in Pennsylvania with a National HighwayTraffic Safety Administration Grant. Grant money has been available in the past to establish this kind of facility. We should look at what is currently in existence before trying to establish a new facility. Treatment at an OUI halfway house would meet the criteria for the State of Wisconsin's Driver's Safety Plans. It would also be appropriate to look at treatment options inside and outside the residence.

Wirkus said it would be important to have a pretreatment screening/assessment process so fewer people fail in the program and the public has a better view of the program. There would be a higher risk of failure without screening. Kelsnersaid the judges would make the initial determination of who would go to the halfway house. Davis said maybe or maybe not depending on the court structure. The program may be

elective if it costs more. Wirkus said he knows with some accuracy whether or not the people he sees will drink again. Maybe a therapist can do the screening.

Morris asked what organization would be willing to run the program? DeMares said the county uses the services of some halfway houses but this is different. Cost would depend on the components in the houses such as staff check in/out, alcohol testing, surveillance, etc. There would also be zoning and community laws to be investigated.

DeMares asked if SCRAM would be more of a punishment than living in a halfway house? Davis said some electronic monitoring is done in Huber. The judges and people in the criminal justice field feel offenders being placed outside of their homes is a deterrent and punishment.

Eiring asked if the houses would be similar to hotels or efficiency apartments? How long would people stay in the program? Davis said if it's similar to a hotel, it may be ok to have it located in a commercial area. He would expect residents to stay nine months to one year. Andrews asked if the halfway house would be a converted hotel or efficiency apartments? Davis said efficiency apartments. Offenders would be there ten to eleven hours per day and there would be no guards. Local police would be called if something happens.

Eiring said clients would not think of the halfway house as a deterrent. It sounds too nice and some clients would want to be there. A lot of these types of clients come from dysfunctional homes and getting away from home is nice. Davis said it is pointless if it's not a deterrent. Eiring said Huber seems more of a deterrent than this.

DeMares said perhaps it could be a "quarter-way" house with a different staffing level and more cost effective than a halfway house. People could get treatment and be away from home. It would still be under some auspices of treatment. He will talk to people in the business to get their take on the program.

Andrews said some offenders coming from well-to-do homes may find this type of living horrible yet someone living in their car would find it wonderful. Those who find it nice don't want to screw up and have to leave. An effective assessment tool would be key. Wirkus said persons socio economic status would determine whether or not they could afford to do this.

Review/Discussion of Innovative Prevention & Testing Strategies

Pharmacological Treatment (Naltrexone), Acudetox (Acupuncture), Biomarkers

Luczaj distributed a handout titled *Answers to Frequently Asked Questions about Naltrexone for Alcoholism*. Davis said naltrexone eliminates the pleasure of drinking alcohol. It reduces the craving for alcohol and helps users to remain abstinent. It doesn't make the user feel sick. The treatment is relatively new and not a silver bullet.

DeMares said Waukesha County has had some success with the injection form of naltrexone, Vivitrol and MA pays for it. The county is able to get samples of the RX which is helpful since the medicine costs \$750 per month for one injection. Andrews said Vivitrol is more effective than taking oral medications because it is given as a shot once a month. It is easier to remember to get a shot once a month versus a daily dose. Some of our chronic people have had more than 20 plus years of sobriety using it. They may have some small setbacks along the way.

Luczaj distributed a handout about Acudetox, which is found to reduce cravings for alcohol and other drugs through the insertion of five needles into specific sites on each ear. Acudetox does not use a drug to treat a drug addiction. The treatment has been around since 1974 and should be used in combination

with other treatments. She is not aware of the cost or recommended length of treatment. Andrews said she heard the treatment isn't effective. Roska said alternative medicines should be looked into more carefully. The down side is that insurance will not cover the costs.

Luczaj distributed a handout titled *Waukesha DUI Pilot Using Alcohol Abuse Biomarkers*. Biomarkers measure alcohol consumption over a period of time. The cost is \$35 to \$50. Dr. Pamela Bean gave a presentation on Biomarkers to the CJCC Programs and Alternatives meeting on December 17.

Roska said SCRAM is far better for immediate feedback. Biomarkers are used for tracking and monitoring long term. Two drinks per day will not show up with this type of testing. Five drinks per day would be tracked. The CDT test works best when used with EDAC which costs between \$35 and \$60. The ability to map the progress of abstinence is good for establishing relationships with employers and families. They can see their loved one is not drinking.

Schuler said the CJCC Programs and Alternatives Committee talked about using Biomarkers with SCRAM. Kelsner said Biomarkers are a tool to insure compliance.

DeMares said campro tablets are cheap. It seems there are different things to try before using expensive injectables. Pharmacology should be further looked into.

Explore Expanded Use of Chapter 51 for Alcoholics

Davis asked if Chapter 51 of the Wisconsin State Statutes should be used more as a provision for alcohol abuse and alcoholics who are dangerous to themselves?

Roska said intoxicated driving doesn't meet the standard for someone being dangerous to themselves and others. Andrews said they become dangerous if there are children in the car or if someone is injured in an accident. The difference lies in the criminality.

Davis said it may fit if you could show some is an alcoholic. DeMares said the leverage isn't very great. Alcohol Treatment Court provides offenders the potential to serve one-quarter of their sentence if they follow the rules.

DeMares said commitment gives you the opportunity to put people in a hospital. This may work if probation is on board and works a deal with them so they don't have to go back to prison. Many times we have to struggle with Probation and Parole to work this into the plan. The agents are reluctant to add it to their plan because they don't want to send people back to prison for AODA-related issues. It could be done on a voluntary basis. It is being done as part of a package in a three-party petition for community and personal safety. This is not a long term solution. The results generally last three months but it gets their attention.

Andrews said commitments could be put in jail for contempt if they don't follow the rules.

Schuler said it is tough to get a revocation hearing for a drinking violation. Maybe there needs to be a whole continuum of efforts to try with probation and parole working closely with the program. We need a system that flows.

Roska said we need to pay attention to those with mental health issues. It is rare to have a straight alcoholic without mental health issues. Of the 70% jail population with alcohol issues, she estimates 80% having a dual diagnosis.

Schuler said we applied for an Enhancement Grant which dealt with both of those issues but didn't get it. Maybe we need to apply for the grant again. The problem isn't going away.

Andrews said it is hard to get professionals to do a mental health assessment. A lot of times, solving the problem is as simple as giving a patient an antidepressant. Mental health issues and the relationship to alcohol should be looked at. There are whole realms of issues that surround drinking.

Proactive Discussion of Potential OWI Legislation Changes

Potential Impacts (on Attorneys, Courts, Jails, Probation & Parole, Service Providers, etc.),

Potential Solutions

This agenda item was not discussed.

Set Future Meeting Date

- January 8 at noon in room 179.

The meeting adjourned at 1:12 p.m.